

# Declaration

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I Pele Faumuinae Declare under the Penalty of Law that the foregoing is true and correct. I am 31 years old and incarcerated at HCF. On (Nov. 26, 03) I was housed with separated concentrated gang members of a single gang about 30 or more of them.

Because of this I was in fear and out of fear and intimidation by prison gang members I was coerced into joining that particular prison gang.

Because I later did not live up to the prison gang expectation I was brutally beaten, and Malaia Correctional facility has pictures and medical reports at HCF Medical unit.

This is a evil housing practice and needs to be exposed for what it is. Presently due to threats on my life and fear of retaliation I am in protective custody. I write this in support of Mr. Nesbit complaint 03-00455.

Respectfully Submitted

Pele Faumuinae #0759954

P. Faumuina

07/09/04

Group Exhibits  
B

104905

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCE

4/12/04

4/8/04  
DATE RECEIVED(THIS CONTROL NO MUST  
ACCOMPANY ALL APPEALS)

NAME: Pele Faumuina

SSN: 576-86-0617

HOUSING ASSIGNMENT: HSNF

B-2 MA

CONTROL NO.: 104905 JR

- TO: (STEP) 1.  Section Supervisor/Inmate Grievance Specialist  
 2. \_\_\_\_\_ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist  
 3. \_\_\_\_\_ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

SID: A0759954

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: Edwin Shimoda (IDA) DATE: 4/8/04

RESPONSE: His decision is final / You are appropriately housed

RE: Complaint/Grievance Against: Housing Practice of placing a Non-Gang Member in with "Separatee issue" Separated Gang Members of a single gang

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

Edwin Shimoda (IDA) Tacit Authorization and Agriescence of a UnConstitutional Policy and Practice that he refuses to acknowledge or abate shows his Personal Participation in this UnLawful practice, Custom, policy that was formulated and implemented by his Subordinates the Housing Practice of placing a "Non-Gang" Member in with "Separatee issue" Concentrated Violent Gang Members of a Single Gang demonstrates Reckless indifference and deliberate indifference to a known Hazard and Known Danger.

For Over 3 Years now this Practice has been Utilized by Edwin Shimoda (IDA) his Subordinates and he has Power and Authority to take Reasonable Measures to abate this hazardous Practice but does not.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Separate Non Gang Members From "Separatee issue" Separated Gang Members For the Safety and protection of Non-Gang members.

P. Faumuina4/8/04  
DATE

INMATE SIGNATURE

RESOLUTION: (attach additional sheets as necessary)

Unfortunately I am unable to process this grievance based on the person you are grieving. In accordance with Policy and Procedure 493.12.03.4.16a and 4.16a, the decision of the Division Administrator is final and the ultimate recourse available to inmates in the administrative remedy process. Mr. Shimoda is the Institutional Division Administrator and you may not use the department's grievance system to file an administrative complaint against him.

Grievance denied.

Linda Rivera  
Linda Rivera

SIGNATURE OF RESPONDENT

INMATE ACKNOWLEDGED

HCF/IGS

04/12/04

TITLE

DATE

DATE

STATE OF HAWAII - CORRECTIONS

No. 104905

INMATE COMPLAINT/GRIEVANCE

Page 2 of 2

Control No.

(THIS NO. MUST ACCOMPANY  
ALL APPEALS)ADDENDUM

Edwin Shimoda (IDA) all his response to Complaints and Confidential Letters evade the main issue of what I have described he is being deliberately ignorant to the main issue of this hazardous housing practice see answers to other similar grievances.

The point is he is aware of the consequences of this danger he is aware and has actual and constructive knowledge of the many beatings and suffering it has caused on (Non gang prisoners) and still continues to tacitly authorize this dangerous housing practice this demonstrates a callous indifference to the brutality I suffered because of this practice, custom, policy.

I was beaten at the hands of Separated Concentrated Gang Members and have documented proof of the injuries, and these injuries are in my medical file with pictures, I was forced into Gang Membership due to this unconstitutional practice, and because of this practice a future risk of harm was created, I am at risk of retaliation by the Gang I was forced to join, and this threat to my life will be with me for the duration of my prison sentence and maybe longer.

The State of Hawaii Dept of Public Safety is Responsible for not supervising and not training Edwin Shimoda in Prison Gang Management and Control or provide safeguards, Edwin Shimoda Tacitly Authorization of this know hazardous housing practice and its continued existence, I demand that this housing practice stop and begin now to separate and keep Separated Non-Gangs, Non Affiliate, Non Gang Participant, Completely Separated from "Separate issue" Concentrated Separated Gang Members of a Single Gang.

I, Edwin Shimoda,

J. Shimoda

To: THE JUDGE:

1. Page # MY DECLARATION, MR. JOSEPH KAMEKONA WILLIAMS:  
SSN: 575-96-9373: KAPELA, JR.  
SID: A0211924:  
DOB: 6-27-1955:  
AGE: 48:

EXhibit █ A-5

EXCIBED I HAVE A 20 years Sentence:

#1 I HAVE BEEN INSIDE OF Halawa Correctional Facility, PRISON FOR 16 years, AND I HAVE SEE ALL THINGS INSIDE OF PRISON... LIKE THE THREE Gang's THAT ARE RUNING MORE OF THE PRISON !! AND I SEEING WHEN THE THREE BIG Gang's WAS STARTIT IN HCF, AND IN THE YEAR 2000, THE ADMINISTRATION OF HCF, DID SeparatIT THE Gang's FOR THERE Safety? BUT WHAT ABOUT THE INMATES THAT ARE JUST COME IN TO HALAWA CORRECTIONAL Facility, HCF!!

EXCIBED THEY DONT KNOW NOTHING ABOUT Gangs, BUT

#2 THE NEW INMATES, & THE OLD INMATES ARE Force TO JOIN THE Gangs INSIDE THE MODULES, & QUADS! OR IF THEY DONT JOIN THE Gangs... THEY ARE HURT, OR ALL MOST KILL BY THE Gangs BY THEM MOBING THEM IN THE QUADS, OR MODULE'S,!! OR THEY ARE STRONG ARM TO GIVING ALL THERE THING LIKE STORE ORDER'S, SHOES & MONEY'S & GYM SHORTS, & SWEAT SHIRTS, & GOLD CHAINS, & GOLD CORSS's, & ALL OTHER THING'S!!

EXCIBED Because THE ADMINISTRATION OF HCF, THEY

#3 LET THE Gangs Be SeparatIT? BUT HCF LETS THE REGULAR INMATES House's WITH Gangs! WHAT ABOUT SeparatIT REGULAR INMATES FOR THERE Safety FROM Gang's, & THEY THE REGULAR INMATE'S Should BE Houses WITH REGULAR INMATE'S FOR THERE SAFETY FOR THE DRAFT - C.C. CUTTY 2006

1. Page# MY DECLARATION, MR. Joseph KAMEKONA WILLIAMS:  
KAPELA, JR.

EXCERPT TO THE MOST OF MY TIME IN 16 YEARS, I HAVE  
 #4 SEEING OTHER REGULAR INMATES get HURT OR  
 ALMOST KILL!! AND THEY MOB A INMATE. NICK  
 NAME STAR... AND I WAS MOB BY ONE OF THE BIG  
 Gangs, AND I PROTECTIVE MYSELF THE ADMINIS-  
 TRATION, Said JUST LIVE WITH THE Gangs! IT IS  
 A BIG VIOLATION OF MY CIVIL RIGHTS, & OTHER  
 REGULAR INMATES ARE BEING VIOLATED BY  
 Gangs, & THE ADMINISTRATION OF HCF Facility!!  
 KNOWS SO THE OTHER REGULAR INMATES HAVE A  
 RIGHT TO Be Safe Too!! AND ALL THE NEW INMATES  
 AND ALL THE OLD INMATE'S, Become PART OF ANY  
 BIG Gangs THEY GO HOME OUTSIDE & MAY  
 MOVE By YOUR FAMILY'S, OR LOVE ONES!!

EXCERPT MOST OF THE OLD TIMER, DID NOT MAKE NO  
 #5 Gangs DURING THE 1980'S & THE 1990'S ABLE TO  
 1994!! THERE WAS NO Gangs, BUT THEN IN  
 1995, THE FIRST BIG Gang, THEN OTHER'S  
 IN 1999, & 2000, ALL KIND'S OF BIG Gangs  
 NOW!! SO JUDGE BEFORE THE BIG Gangs come  
 ALL OVER THE ISLAND'S OF Hawaii STOP  
 THEM By DOING SOMETHING WITH THE  
 LAWS, & DOING SOMETHING By STOPPING  
 WRONGS OF THE ADMINISTRATION OF HCF!!

To: THE JUDGE:

MY DECLARATION, MR. Joseph Kamekona WILLIAMS:  
KAPELA, JR.

BY LAW, I WROTE THE TRUE TO THE LAW OF  
 THE PENALTY OF PERTURBITY IT IS TO THE  
 BEST OF MY KNOWLEDGE...

X MR. Joseph Kamekona Williams: Kapela, Jr.  
 SIGN:

## Declaration

My name is Daniel Mahaulu and presently I am in protective custody at Halawa Cor Facility. I declare under the penalty of law that the foregoing is true and correct to the best of my knowledge.

Currently there are three (3) different prison gangs in the prison system. The administration separates the rival gangs so that they do not hurt or kill each other. Non-gang members such as myself are not separated from those gang members but are actually housed in general population with those gang members. At times there could be anywhere from 15 to 20 gang members in one Quad alone, mixed with non-gang members. This puts inmates such as myself in a difficult and sometimes violent situation. I myself was threatened and mobbed by gang members because of this housing practice which is in violation of my rights to safe custody. I feel that the prison is at fault because they know about this problem and of other non-gang members who were beaten because of this housing situation and personally I know that alot of inmates who are not directly involved with this gang trip hurt badly because of this.

Sincerely,



April 25, 2004

01009297

## DECLARATION OF EVAN MARCUS A#0138669

~~APRIL 1, 2004~~

I AM A NON-VIOLENT OFFENDER INCARCERATED FOR IN HALAWA PRISON. FOR THEFT II. THE FOLLOWING ARE SOME EVENTS THAT HAVE HAPPENED TO ME.

ABOUT A WEEK BEFORE I WAS SENTENCED TO HALAWA PRISON ON AUGUST 4, 2003, I WAS INCARCERATED AT OAHU COMMUNITY CORRECTIONAL CENTER IN MODULE 3 DUE TO SEVERE DEPRESSION I SUFFER FROM. AT ABOUT THAT TIME I ASKED TO SEE THE PSYCH SOCIAL WORKER "GORDON". I EXPLAINED TO HIM I WAS HAVING TROUBLE WITH ANOTHER INMATE (BEING THREATENED), AND WAS FEELING DEPRESSED. HE SENT ME TO THE MENTAL HEALTH MODULE 4 AND PUT ME ON THERAPEUTIC LOCK-DOWN. ABOUT A WEEK LATER I WAS SENTENCED TO AN OPEN 5 YEAR TERM AND SENT TO HALAWA PRISON ON AUGUST 7, 2003. UPON ARRIVAL I WAS INTERVIEWED BY A SOCIAL WORKER (NAME UNKNOWN AT THIS TIME), AND I PROCEEDED TO EXPLAIN TO HIM THAT THE REASON, OR APPARENT REASON I WAS ON THERAPEUTIC LOCK-DOWN AT OCCC WAS A RESULT OF ME BEING THREATENED BY ANOTHER INMATE. I TOLD HIM I WANTED TO BE PUT IN PROTECTIVE CUSTODY HERE AT HALAWA. HE TOLD ME I SHOULDN'T DO THAT BECAUSE THERE'S NO PROGRAMS IN "P.C.", AND THAT I WILL HAVE TO "GIVE UP SOME NAMES" FOR P.C. I TOLD HIM I HAVE SEVERE DEPRESSION AT TIMES, SO AFTER THE INTERVIEW I WAS SENT TO THE MENTAL HEALTH MODULE AT THE HALAWA SPECIAL NEEDS FACILITY (HSNF). AFTER 2 1/2 MONTHS AND GETTING ATTACKED AND BEATEN BY A GANG MEMBER IN THAT MODULE, AND AFTER ANOTHER INCIDENT WITH

(2)

ANOTHER INMATE IN THERE, I WAS PUT ON THERAPEUTIC LOCK DOWN FOR 1 DAY AND THEN SEND TO MODULE 2, BLOCK A, QUAD #4 IN THE MEDIUM (HCF). WELL, FROM THE MOMENT I STEPPED INTO THAT "QUAD" IT WAS NOTHING SHORT OF A HOLLYWOOD MOVIE!

I'M A STRAIGHT LOOKING CAUCASIAN, THE MOMENT I ENTERED IT WAS FULL OF ALL VERY TAN, FULL OF <sup>COMPLEXION</sup> TATTOO'S, VERY LARGE MEN THAT WERE NOT VERY HAPPY TO SEE ME! I IMMEDIATELY FROZE. AS THESE GUYS, WHICH I LATER LEARNED ARE PART OF A BIGGER PRISON GANG "USO", STARTED ASKING ME ALL SORTS OF PRISON RELATED QUESTIONS. ALL I COULD THINK ABOUT AT THAT MOMENT WAS "THESE GUYS ARE GOING TO FUCK ME UP!" WHO THE HELL MADE THE DECISION TO PUT ME IN THIS MODULE!!! I FELT I WAS SET UP!

I HAD NO ANSWERS FOR THESE PRISON QUESTIONS AND THAT JUST SEEM TO MAKE THEM MORE AGGRAVATED! AS SOON AS I MADE IT INTO MY ASSIGNED CELL ONE OF THE GANG MEMBERS CAME TO THE DOOR-WAY AND MADE A THREATENING GESTURE THAT I DIDN'T UNDERSTAND, OTHER THAN HE WAS GIVING ME A VERY MEAN LOOK! I WAS SCARED STIFF!!! I PROBABLY WASN'T IN THERE FOR MORE THAN 2 MINUTES AND IT LOOKED LIKE HE WAS GOING TO KICK THE CRAP OUT OF ME! I WALKED OUT OF THE CELL REAL QUICK, RIGHT PAST HIM, INTO THE OPEN AREA SO THE GUARDS COULD MAYBE WITNESS ANY ATTACK ON ME.

AFTER ABOUT 3 OR 4 MORE DAYS IN THEIR AND A LOT OF CHALLENGES TO FIGHT ME, THEY SEEM TO HAVE GOTTON WORD THAT I WAS BEATEN UP BY ONE OF THEIR FELLOW GANG MEMBERS WHEN I WAS IN THE "HIGH" (HSNF). NOW THE

(3)

THE TENSION WAS ABOUT TO GET WORSE, AS IF IT WASN'T BAD ENOUGH ALREADY, THEY WANTED TO KNOW ABOUT WHAT HAPPENED IN THE "HIGH". WAS I PRESSING CHARGES, AM I A "RAT". THIS WAS GETTING OUT OF CONTROL. I HAD LETTERS AND OTHER PAPERS FROM THE PROSECUTOR'S OFFICE REGARDING THE INCIDENT AND PROSECUTION! THIS, IN A WORD QUAD THAT SEEMED TO ME THAT ~~EVERYONE~~ ON EVERYONE'S BODY HAD THE TATTOO "USA". THIS IS A PRISON GANG! I AM NOT A GANG MEMBER WHAT-SO-EVER! IN FACT I WAS STILL NEW TO THE PRISON AND APPARENTLY WAS SUPPOSE TO BE IN THE "RAD UNIT" FOR NEWCOMERS TO SLOWLY GET AQUAINTED WITH THE PRISON LIFE.

THAT INCIDENT WAS TO MUCH! IT PUT ME IN AN EVEN MORE SEVERE DEPRESSION. THEY WERE TAKING MY FOOD FROM ME AT "CHOW" TIME, I COULDNT EAT EVEN IF I WANTED TO! FINALLY AFTER ABOUT 6 DAYS THEY FINALLY PUT ME IN PROTECTIVE CUSTODY, THAT IS, AFTER 43 DAYS IN SOLITARY CONFINEMENT, (I GUESS FOR COMPLAINING!), PROTECTIVE CUSTODY, WHERE I SHOULD OF BEEN IN THE FIRST PLACE, ON AUGUST 7, 2003!

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: HONOLULU, HAWAII, APRIL 1, 2004

Evan Marcus  
Declarer A038609  
HSNF B-1

# Declaration

I William S. Aholelei, declare under the penalty of law that the foregoing is true and correct.

On Oct 3rd 2003, I was brutally beaten by Separated concentrated gang members of a single gang.

This brutal beating resulted in critical injuries and put me in a coma for 6 days approximately. I now have permanent injuries because of this attack on my life.

Prison gang members are separated from rival gang for the safety and protection of these violent gang members, but "non gang members" like me are not afforded the same safety and protection measures as these violent Prison gangs receive.

This housing practice allows Separated prison gang access to Non-gang, Non affiliate, Non gang participant, whom they victimize and this must stop. This declaration is in support of MR. Nesbitt's complaint CIV-03-00455.

My medical injuries reports are on records at Halawa Correctional facility, medical unit file also at Queens hospital and also contained in police report, all 7 gang members have been found guilty of attempted murder on my life by Halawa prison disciplinary committee and are pending trial in state court for attempted murder charges.

Respectfully Submitted

4-9-04

William S. Aholelei A0146949

William S. Aholelei  
99-902 Moanalua Road  
Aiea, HI 96701

EXHIBIT  
95198

10/16

DATE  
RECEIVED12/14/03  
2/16/04  
2/16/04STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY  
INMATE COMPLAINT/GRIEVANCE**95198**(THIS CONTROL NO. MUST  
ACCOMPANY ALL APPEALS)

## Emergency Grievance

NAME: William Sangster AholeleiSSN: 575-98-5526HOUSING ASSIGNMENT: module B - 2

CONTROL NO.: \_\_\_\_\_

- TO: (STEP) 1. \_\_\_\_\_ Section Supervisor/Inmate Grievance Specialist SID: A0146949  
 2. \_\_\_\_\_ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist  
 3. \_\_\_\_\_ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: STAFFDATE: 12-14-03RESPONSE: Just file your GrievanceRE: Complaint/Grievance Against: Edwin Shimoda

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary) At this time I think it

appropriate for you to take definite preventive measures due to the seriousness of the Gangs Problems and due to the attempt to murder me by Gang members. I was almost beaten to death and remained in a coma for 6 days it is only a miracle I am alive today. This is the results of flawed and inadequate customs practices methods concerning Gang management and under your control. I ask you now to begin the separation of all Gang members from non Gang prisoners, this includes housing area, chow halls, school etc.

Page 1

I ROBIN M. MILARII SWEAR UNDER PENALTY OF LAW THAT THE FOLLOWING STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THIS STATEMENT IS IN SUPPORT OF ANTHONY NESBITT'S CLAIMS UNDER CIVIL NUMBER CV03-00455.

IN JUNE 2003, I WAS RETURNED TO PRISON ON A PAROLE VIOLATION AND PLACED IN THE HACMA SPECIAL NEEDS FACILITY MODULE-A. WHILE IN MODULE A, I TRIED TO PUT PRISON OFFICIALS ON NOTICE THAT I WAS FEARFUL OF BEING PLACED AT THE HACMA MEDIUM FACILITY (MODULE-A WAS JUST A TEMPORARY HOUSING ASSIGNMENT), BECAUSE I HAD BEEN AN INFORMANT FOR THE DEPARTMENT OF PUBLIC SAFETY INTERNAL AFFAIRS DIVISION, AND HAD IN FACT INFORMED AN ADULT CORRECTIONAL OFFICER (ACO), AND I WAS AFRAID OF BEING PLACED IN THE MODULE THIS ACO WORKED AT.

ULTIMATELY, MY PLEAS WERE IGNORED AND I WAS PLACED IN THE VERY MODULE THAT THE ACO I FEARED WORKED. THIS ACO KNEW THAT I HAD INFORMED ON HIM, AND IN RETALIATION, I WAS PLACED IN A QUAD IN WHICH THE MAJORITY OF THE INMATES WERE FROM ONE CONCENTRATED GANG. THE OTHER INMATES IN THE QUAD WERE ALL NON-GANG AFFILIATED. NO OTHER INMATES OF OTHER SEPARATE GANGS WERE HOUSED IN THE SAME QUAD. IN ESSENCE ONLY MEMBERS OF THE GANG GANG WERE HOUSED TOGETHER WITH NON-GANG MEMBERS.

IN THE SHORT TIME THAT I WAS IN THE SAME QUAD AS THESE GANG MEMBERS, I WAS THREATENED, BECAUSE THEY KNEW SOMETHING OF MY INVOLVEMENT WITH DRS I.A DIVISION.

I MADE A FORMAL COMPLAINT AND WRITTEN

Dated

STATEMENT ABOUT THE THREATS I RECEIVED AND  
I WAS MOVED TO ANOTHER MODULE WHERE TWO  
OF THE QUADS CONSISTED OF INMATES IN TWO OTHER  
GANGS. AGAIN EACH OF THE TWO QUADS WERE  
OCCUPIED BY A MAJORITY OF THE GANG MEMBERS  
MIXED WITH NON-GANG MEMBERS.

I WAS IN THIS MODULE FOR ONE WEEK WHEN  
I STARTED GETTING THREATS FROM THE OTHER  
TWO GANGS, WHO I LEARNED WERE "DOING A FAVOR  
FOR THE FIRST GANG MENTIONED.

I REMAINED IN THIS MODULE FOR ABOUT TWO  
WEEKS, BEFORE I HAD TO FILE ANOTHER FORMAL  
COMPLAINT AND WRITTEN STATEMENT. I WAS  
THEN PLACED IN PROTECTIVE CUSTODY.

BEFORE BEING PLACED IN PROTECTIVE CUSTODY, I  
HAD TO MAKE SURE OF MY SURROUNDINGS AND  
WAS VERY ALERT OF WHAT WAS GOING ON AROUND  
ME. BECAUSE OF THIS, I WAS ABLE TO GAIN  
KNOWLEDGE, THAT THERE ARE AT LEAST THREE  
SEPARATE WELL ORGANIZED GANGS AT HUATLA  
CALLED THE "U.S.O. FAMILY", "LA FAMILIA" AND,  
"MAFIA U.S.O.". THE MEMBERS OF THESE GANGS ARE  
IDENTIFIED BY TATTOOS WITH THE NAME OF THE  
GANG ON THEIR BODIES.

AS MENTIONED ABOVE, MEMBERS OF EACH  
INDIVIDUAL GANG ARE NEVER HOUSED IN THE  
SAME QUAD OF ANOTHER GANG. THIS IS DONE FOR  
SECURITY REASONS SO THESE GANGS DON'T FIGHT  
ONE ANOTHER.

THESE GANGS DON'T EAT IN THE SAME CHOW HALL  
AND BECAUSE THEY ARE SO PREVILENT, THE PRISON  
HAS A "GANG TASK FORCE UNIT" WHO IDENTIFY GANG  
MEMBERS AND GATHER INTELLIGENCE ON THESE GANGS.  
THE GANGS ARE RIVALS BUT WILL WORK TOGETHER  
AND "DO FAVORS" FOR EACH OTHER AS IN MY CASE.

Page 3

I HAVE ALSO LEARNED THAT THERE HAVE BEEN  
NUMBEROUS ASSAULTS BY GANG MEMBERS ON NON-GANG  
MEMBERS WHICH ARE DOCUMENTED INCIDENTS.

IT IS OBVIOUS TO ME,(AND ANYONE WHO WOULD  
INVESTIGATE THESE ALLEGATIONS WOULD AGREE) THAT  
THE GANG SITUATION AT MOUNTAIN IS TERRIBLE AND  
GETTING WORSE, AND THE PRISON'S WAY OF DEALING  
WITH IT IS BY KEEPING THESE GANGS SEPARATE FROM  
EACH OTHER, BUT PLACING NON-GANG MEMBERS  
WITH THESE VIOLENT GANG MEMBERS.

THE PRISON IS MAKING PROVISIONS TO KEEP THESE  
GANG MEMBERS SAFE FROM EACH OTHER, BUT FAILING  
TO PROVIDE FOR THE SAFETY OF NON-GANG MEMBERS,  
THUS VIOLATING THE RIGHTS OF THESE NON-GANG  
MEMBERS OF EQUAL PROTECTION UNDER THE LAW  
AND OF THEIR RIGHTS TO DUE PROCESS.

IT IS MY BELIEF THAT THE PRISON PROVIDES FOR  
THE SAFETY OF GANG MEMBERS BY HOUSING THEM  
SEPARATE FROM EACH OTHER, BUT NON-GANG MEMBERS  
DO NOT AFFORDED THIS SAME COURTESY, AND BECAUSE  
BEING PLACED IN PROTECTIVE CUSTODY, NON-GANG  
MEMBERS ARE PLACED IN A VULNERABLE SITUATION  
AND MANY TIMES<sup>ARE</sup> FORCED TO MAKE THE DECISION OF  
JOINING A GANG TO KEEP THEMSELVES SAFE FROM  
HARM.

DATE: FEBRUARY 9, 2004

Ralph M. Miller  
Robin M. Miller  
(CIV-03-00453)

Note: See page (9) of Statement of Claim (03-00453)